

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LEONID TREYGER,

Plaintiff,

v.

GIO WINE & SPIRITS CORP. and GBA 526
LLC,

Defendants.

CIVIL CASE MANAGEMENT PLAN
23-CV-02099 (HG)

HECTOR GONZALEZ, United States District Judge:

The Court adopts the following Case Management Plan after soliciting proposals from the parties. This plan is also a scheduling order pursuant to Federal Rules of Civil Procedure 16 and 26(f). The parties should not anticipate extensions of the deadlines specified in this order and shall not make a unilateral decision to stay or halt discovery on the basis of settlement negotiations, or for any other reason, in anticipation of an extension.

1. **Fact Discovery**

- a. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York. All fact discovery is to be completed by **October 5, 2023**, which date shall not be adjourned except upon a showing of good cause and further order of the Court.
- b. The parties shall complete various interim discovery activities according to the deadlines in Attachment A, annexed hereto. Interim deadlines for these discovery activities may be extended by the parties on consent

without application to the Court, provided the parties are certain that they can meet the fact and expert discovery completion dates.

- c. Any motion to amend pleadings or to join additional parties not allowed as of right pursuant to the Federal Rules of Civil Procedure must be raised through a pre-motion letter that complies with Section IV.A of the Court's Individual Practices by **August 7, 2023**.

2. **Expert Discovery**

- a. The parties agree that there is a need for expert discovery. Any expert discovery is to be completed by **December 4, 2023**, which date shall not be adjourned except upon a showing of good cause and further order of the Court.

3. **Post-Discovery Motions**

- a. Ten business days after the completion of fact or expert discovery, whichever occurs later, the parties shall file pre-motion letters related to any proposed motions for summary judgment or motions to exclude the testimony of experts pursuant to Rules 702-705 of the Federal Rules of Evidence and the *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) line of cases.
- b. Any such pre-motion letters shall comply with Section IV.A of this Court's Individual Practices, including the requirement that any such letters related to a motion for summary judgment contain the statement of material facts required by the Eastern District of New York's Local Civil Rule 56.1.

- c. There shall be no cross-motions. Any motions not raised in a pre-motion letter by the deadline specified above will not be considered. The papers served and filed pursuant to any motions allowed by the Court shall comply with the requirements in Section IV.B of this Court's Individual Practices.

4. **Pre-Trial Submissions**

- a. The case is to be tried to a jury.
 - b. The parties shall submit to the Court for its approval a Joint Pretrial Order containing the content described in Section VI.B of the Court's Individual Practices either: (a) within 60 days after the completion of fact or expert discovery, whichever occurs later, or (b) if a summary judgment motion has been filed, within 30 days after a decision on such motion.
 - c. The parties shall file any motions *in limine* 30 days in advance of trial in accordance with Section VI.C of the Court's Individual Practices.
 - d. The parties shall file any requests to charge, proposed verdict sheets, and proposed *voir dire* questions 10 business days in advance of trial in accordance with Section VI.C of the Court's Individual Practices.
5. This order may not be modified or the dates herein extended, except by further order of this Court requested in accordance with Section I.D of the Court's Individual Practices. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline. Further, the use of any alternative dispute resolution mechanism does not stay or modify any date in this order. Indeed, unless the Court orders otherwise, parties engaged in settlement

negotiations must proceed on parallel tracks, pursuing settlement and conducting discovery simultaneously. Parties should not assume that they will receive an extension of an existing deadline if settlement negotiations fail.

SO ORDERED.

/s/ Hector Gonzalez

HECTOR GONZALEZ
United States District Judge

Dated: Brooklyn, New York
July 10, 2023

ATTACHMENT A

DISCOVERY ACTIVITIES	COMPLETION DATE
PRELIMINARY DISCOVERY MATTERS	
Initial disclosures required by Fed. R. Civ. P. 26(a)(1)	July 7, 2023
HIPAA-required medical records release authorizations	July 21, 2023
N.Y. Crim. Proc. Law § 160.50 releases for arrest records	N/A
Identification of John Doe/Jane Doe Defendants	N/A
Procedures for producing Electronically Stored Information (ESI) discussed	N/A
Confidentiality order to be submitted for court approval	N/A
SETTLEMENT PLAN	
Plaintiffs to make settlement demand by:	July 14, 2023
Defendants to make settlement offer by:	July 31, 2023
Referral to EDNY mediation program pursuant to Local Rule 83.8? (If yes, enter date for mediation to be completed)	August 7, 2023
Settlement conference (proposed date)	No

DISCOVERY DEADLINES	
Motion to join new parties or amend pleadings (cannot be adjourned except by Court order)	August 7, 2023
Service of requests for production and interrogatories	July 21, 2023
Response to requests for production and interrogatories	August 21, 2023
Service of requests for admissions	August 28, 2023
Response to requests for admissions	September 27, 2023
Service of contention interrogatories	August 28, 2023
Response to contention interrogatories	September 27, 2023
Completion of fact witness depositions	October 5, 2023
Completion of fact discovery (cannot be adjourned except by Court order)	October 5, 2023
Completion of expert discovery, including production of reports and related documents and depositions (cannot be adjourned except by Court order)	December 4, 2023
CONSENT TO MAGISTRATE JUDGE JURISDICTION	
Parties consent to conducting all further proceedings in this case, including motions and trial with or without a jury, before a Magistrate Judge pursuant to 28 U.S.C. § 636(c)	No

COLLECTIVE ACTION AND CLASS ACTION MOTIONS ONLY	
Motion for collective action certification in FLSA cases (specify deadlines for response and reply)	N/A
Motion for Rule 23 class certification (specify deadlines for response and reply)	N/A